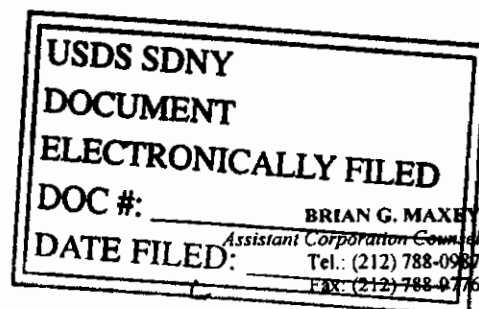




THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
 Corporation Counsel



MEMO ENDORSED

June 10, 2008

BY FAX: 212-805-7949

Honorable P. Kevin Castel
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: Medley v. City of New York, et al., 08 CV 4511 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Michael P. Kushner, Esq., to request a sixty-day enlargement of time, from June 10, 2008 to August 8, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action. Additionally, defendants note that there is a conference in this matter scheduled for July 18, 2008, should the Court choose to adjourn the conference to a date after the proposed answer date.

The plaintiff alleges, *inter alia*, that he was subjected to false arrest, false imprisonment, and malicious prosecution, excessive force, and unlawful strip search in violation of his constitutional rights. Plaintiff also alleges state law claims including assault and battery. In addition to the City of New York and Raymond Kelly, plaintiff also names Detective Jerry Breen and UC Police Officer #3416.¹

¹ A review of the docket indicates that Detective Jerry Breen was served on June 2, 2008, and that Detective Breen's answer or response to the complaint is due on June 23, 2008. While this office does not represent Detective Breen, defendants respectfully request that the Court extend Detective Breen's time to answer until August 8, 2008. Pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent Detective Breen. Detective Breen must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case. UC #3416 has not been served.

Time for all defendants to answer or move to August 8. Conference scheduled for July 18 is adjourned to September 5, 2008 at 9:45am

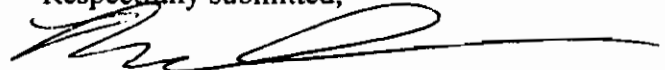
SO ORDERED
[Signature]
 JSDT
 6-11-08

Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case and forward to plaintiff for execution authorizations for the release of the underlying arrest and prosecution records, which may have been sealed pursuant to NYCPL § 160.50. Without the underlying records, the defendants cannot properly assess this case or respond to the complaint. Accordingly, the enlargement of time will afford us the opportunity to investigate the matter and to secure the relevant documents.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until August 8, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Brian G. Maxey (BM 0451)

BY FAX: 212-378-4325

Michael P. Kushner, Esq.